United Nations A/70/406

General Assembly

Distr.: General
5 October 2015

Original: English

**Seventieth session**
Agenda item 55
**Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

# Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

## Note by the Secretary-General*

The Secretary-General has the honour to transmit to the members of the General Assembly the forty-seventh report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly resolution 69/90.

* The present report was submitted after the deadline owing to the delayed nomination of the new members of the Special Committee and the consequent late annual mission undertaken to the region.

15-17127 (E) 131015

Please recycle

# Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

*Summary*

The present report contains information regarding the efforts of the Special Committee to implement its mandate and on the human rights and humanitarian situation in the occupied Arab territories over the past year. The report includes information on consultations with Member States in Geneva, followed by a mission to Jordan in August 2015. It addresses the situation of Palestinian detainees, including children in Israeli detention facilities. It also focuses on Israeli policies and practices related to settlement expansion and settler violence in the occupied Palestinian territories and the occupied Syrian Golan, demolition of homes and forcible transfer of Palestinians; interference by Israel with international humanitarian assistance; lack of reconstruction in Gaza and its consequences for the rights of Palestinians and the access-restricted areas. The Committee also examines the situation of Palestinian residents in East Jerusalem and issues relating to business and human rights in the Occupied Palestinian Territory and the occupied Syrian Golan.

# Contents


| | | Page |
|---|---|---|
| I. | Introduction | 4 |
| II. | Mandate | 4 |
| III. | Activities of the Special Committee | 4 |
| | A. Consultations with Member States in Geneva | 4 |
| | B. Field mission to investigate Israeli practices | 5 |
| IV. | Situation of human rights in the occupied territories | 6 |
| | A. Settlement expansion (Occupied Palestinian Territory and occupied Syrian Golan) | 6 |
| | B. Settler violence | 7 |
| | C. Corporations and the exploitation of resources in the occupied territories | 8 |
| | D. House demolitions and forcible transfer | 10 |
| | E. Human rights violations in East Jerusalem | 11 |
| | F. Al-Aqsa mosque | 12 |
| | G. Legislative measures | 12 |
| | H. Situation of Palestinian detainees | 14 |
| | I. Israeli interference with the delivery of international aid | 16 |
| | J. Excessive use of force by Israeli security forces | 16 |
| | K. Search and arrest operations: the impact on women and children | 17 |
| | L. Gaza reconstruction and the blockade | 18 |
| | M. Lack of accountability and the right to legal remedy | 20 |
| V. | Recommendations | 22 |

# I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). The Committee is currently composed of three Member States: Sri Lanka (Chair), Malaysia and Senegal. In 2015 the Committee was represented by three new members: the Permanent Representative of Sri Lanka to the United Nations in New York, Amrith Rohan Perera; the Permanent Representative of Malaysia to the United Nations in New York, Ramlan Bin Ibrahim; and the Minister Counsellor in the Permanent Mission of Senegal to the United Nations Office at Geneva, Aboubacar Sadikh Barry.

# II. Mandate

2. The mandate of the Special Committee, as set out in General Assembly resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories. The occupied territories are considered those remaining under Israeli occupation since 1967, namely, the occupied Syrian Golan and the Occupied Palestinian Territory, which comprises the West Bank, including East Jerusalem, and the Gaza Strip.

3. The present report is submitted pursuant to General Assembly resolution 69/90, in which the Assembly requested the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter. The report covers the period from 5 June 2014 to 10 August 2015.

# III. Activities of the Special Committee

## A. Consultations with Member States in Geneva

4. The Special Committee held its annual consultations in Geneva on 2 August 2015 with Member States concerned with the implementation of General Assembly resolution 69/90. The consultations were held with a view to discussing the most pressing matters to be addressed in the Committee's report to the Assembly. The Committee met with the Permanent Observer of the State of Palestine and the Permanent Representatives of Egypt, Jordan, the Syrian Arab Republic and Turkey. A meeting was also arranged with a senior representative of the Office of the United Nations High Commissioner for Human Rights.

5. During the discussions, representatives of Member States expressed support for the work of the Special Committee, but also expressed concerns about the

worsening situation in the occupied territories and the lack of accountability that had accompanied the violations that had taken place. Member States also raised as a matter of concern the lack of cooperation by Israel with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and all committees so far established on the situation of the Occupied Palestinian Territory, including the Special Committee. The Syrian Arab Republic requested that more focus on issues related to the occupied Syrian Golan be dedicated in future reports of the Committee and assured security guarantees for the Special Committee should it visit Damascus in 2016.

6. Major concerns raised by Member States included: settlement expansion; settler violence; the situation of detainees and the deplorable conditions in detention centres, the force-feeding bill and its potential implementation, and administrative detention; excessive use of force; the demolition of Palestinian homes and the forcible transfer of Bedouin and herder communities in the West Bank, including East Jerusalem; land grabbing; the negative impact of excavations being conducted under the al-Aqsa mosque and the difficulties experienced by Palestinians in accessing the mosque; the blockade of Gaza; and the general lack of accountability and remedy that accompanied all those violations.

7. The Special Committee was briefed on the outcome of the Commission of Inquiry on the 2014 Gaza conflict. It was informed that for the first time the resolution on the Occupied Palestinian Territory had focused on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem.

8. Concerns raised during the consultations helped to inform the Special Committee's annual field mission and were taken into consideration for the present report.

## B. Field mission to investigate Israeli practices

9. The Special Committee wrote to the Government of Israel on 15 May 2015 requesting access to the Occupied Palestinian Territory and other Arab territories occupied since 1967. As in previous years, no response to the letter was received from Israel. The Committee was therefore unable to hold consultations with the relevant Israeli authorities, or to gain access to the occupied territories within its mandate. Owing to increased insecurity in the region, the Committee was also unable to visit the Gaza Strip through the Rafah crossing. Moreover, because of the prevailing security situation in the Syrian Arab Republic, the Committee was unable to travel to that country. Instead, it convened meetings with civil society representatives, witnesses, representatives of Bedouin and refugee communities, Palestinian officials and United Nations representatives in Amman from 4 to 8 August 2015. In a few instances, where witnesses were unable to travel to Amman, testimony and briefings were provided to the Committee by teleconference. The Committee expresses its appreciation to all those who provided testimony and briefings on a wide range of human rights- and humanitarian law-related issues.

10. On 10 August, at the end of its annual mission to Amman, the Special Committee released a press statement.[1] Documentation and other materials submitted to the Committee were carefully examined prior to the preparation of the present report and were archived by the secretariat. Information contained in the report is primarily based on testimony and submissions received by the Committee in August 2015.

# IV. Situation of human rights in the occupied territories

## A. Settlement expansion (Occupied Palestinian Territory and occupied Syrian Golan)

11. The Special Committee heard that continuing settlement expansion in the occupied West Bank and East Jerusalem was inextricably linked with a combination of restrictive planning policies for Palestinians, demolition orders on "illegal" Palestinian homes and structures built without permits and the oppressive and "coercive environment" fostered by settler violence. It was informed that securing building permits was almost impossible and that settlers resorted to vandalism and violence as a means to intimidate Palestinian communities, especially in Area C, with the aim of forcing Palestinians to leave their lands and making it available for further settlement expansion. Civil society representatives observed that once herders and farmers who had previously inhabited land in Area C were displaced to Areas A and B, they would be at significant risk of losing their agrarian culture and their livelihoods, making them more vulnerable to poverty in urban population centres.

12. Representations also noted the continued Israeli policy of settlement expansion in both the West Bank and the occupied Syrian Golan. Regarding the latter, members of the Special Committee were informed of financial incentives of up to $12,000 offered to Israeli families that settled there for a minimum of five years. The Committee was also informed of Israel's efforts to populate the occupied Syrian Golan under the "farms project", involving the establishment of 750 new farms. It was noted that 90 Israeli families had already been transferred to settle on those farms in 2015 and that the influx would continue at a rate of 150 families per year until all 750 farms were occupied. As part of the "farms project", Israel had reportedly illegally diverted water to irrigate those farms, thereby depleting water resources and depriving Syrians of their use. While there were no recent reported cases of major demolitions of property in the occupied Syrian Golan, civil society representatives indicated that demolition orders for Syrian properties issued in the past in the occupied Syrian Golan were still in place. It was also alleged that Israel had taken advantage of the instability generated by the Syrian conflict to further expand settlements and to exploit natural resources.

13. Civil society representatives highlighted the difficulties for Syrian residents living in the occupied Syrian Golan, including in the town of Majdal Shams, which was surrounded by an Israeli military camp and in close proximity to landmines. Members of the Special Committee heard that heavy rainfall heightened the risk of mines sliding closer to the town, putting children at particular risk.

[1] Available at www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/EC1BBE47B460A02BC1257E9D00450373?OpenDocument.

## B. Settler violence

14. The Special Committee was dismayed at the settler violence on 31 July 2015 in the village of Duma, southeast of Nablus, where settlers had attacked two Palestinian homes by smashing the windows and throwing flammable liquids in the rooms together with Molotov cocktails, setting the homes ablaze. The settlers spray-painted racist graffiti on the walls of the homes before reportedly fleeing to the nearby Ma'ale Ephraim settlement. The Dawabsha family lost their 18-month-old baby, Ali, in the arson attack. His father, Saad, mother, Riham, and their four-year-old son, Ahmad, sustained serious injuries and remained hospitalized. Members of the Committee learned that the father succumbed to his injuries on 8 August.

15. The attack generated international condemnation, including from Israeli officials, who portrayed the incident as an isolated case of terrorism. However, according to testimonies received by the Special Committee, settler violence continues to be a daily reality for many Palestinian communities, especially for those living in close proximity to Israeli settlements. The most common forms of settler violence were reported to be physical assault and stone throwing, but civil society representations noted that Palestinians had also continued to be subjected to grievous bodily harm caused by beatings with sticks, iron pipes, knives, arson attacks and, in some cases, shootings with live ammunition. It was also observed that in many cases, the Israeli security forces had often intervened on behalf of the settlers and had dispersed Palestinian crowds that had gathered to repel settler attacks. In that context, it was recalled that every settler served for at least three years in the Israeli security forces.

16. Representatives of non-governmental organizations (NGOs) also briefed the Special Committee, stating that high levels of stress, sleeping difficulties, anxiety and flashbacks were some of the consequences of settler violence for Palestinian communities. It was noted that many parents were unable to ensure the physical and emotional security of their own children in that environment and that reports of mental health difficulties were becoming increasingly common.

17. The highest levels of settler violence reportedly continued to be recorded in southeast Nablus, the south Hebron Hills, the northern Jordan Valley and East Jerusalem. Settler violence had also been reported in other areas that were contemplated for the construction or expansion of settlements. From 1 January to 30 June 2015, 42 settler attacks on Palestinian communities had resulted in casualties and 67 attacks had resulted in damage to Palestinian land and property in the occupied West Bank. According to an Israeli NGO, a Palestinian who filed a complaint against Israeli settlers had a 1.9 per cent chance that his or her complaint would lead to an effective investigation, which resulted in the identification of a suspect, followed by indictment, trial and conviction. It was apparent from the testimonies that the root cause of the escalating violence was the continuing policy of settlement expansion and the climate of impunity relating to the activities of the settlers.

## C. Corporations and the exploitation of resources in the occupied territories

18. The Special Committee was also informed of the profiteering by several companies, directly and/or indirectly, from a wide range of illegal Israeli practices, which took an enormous toll on the daily lives of Palestinians. In submissions made to the Committee it was noted that private companies played a major role in funding, facilitating and supporting the Israeli occupation.

19. In the representations, the activities of corporations involved in settlements were grouped in three broad categories:

(a) Israeli settlement industry in the Occupied Palestinian Territory, which engaged in production in settlements, was involved in the construction of Israeli settlements, or provided services to the Israeli settlements;

(b) Control of the Palestinian population by constructing the wall and checkpoints, and the provision of private security or specialized equipment, such as surveillance and crowd control weapons;

(c) Economic exploitation by using Palestinian workers, Palestinian natural resources or the Palestinian captive market.

To exemplify the different categories, the following case studies were presented to the Special Committee.

### 1. Financing the Israeli occupation

20. Submissions listed a number of Israeli banks, such as the Mizrahi Tefahot Bank, the Discount Mortgage Bank of Israel Discount Bank, the First International Bank of Israel, the Bank of Jerusalem, Bank Hapoalim and the Leumi Mortgage Bank of Bank Leumi, as entities involved in sustaining the occupation. Their involvement, NGOs argued, was manifest through various activities, such as operating bank branches in settlements; providing financial services to occupation-related activity; providing mortgage loans for home buyers in settlements as economic incentives; providing financial services to Israeli local authorities in the West Bank and the occupied Golan; and providing special loans for building projects in settlements.

### 2. Exploitation of natural resources

21. Civil society representatives submitted that Ahava, an Israeli corporation, continued to exploit Palestinian natural resources by operating an excavation site for its mud products on the shores of the Dead Sea in the occupied territory. It was stated that the Israeli civil administration had confirmed that Ahava had held a licence since 2014 to operate a mud excavation site in the occupied area of the Dead Sea. It was also submitted that Ahava's mud, excavated from the occupied territories, had been spotted stored in the company's production site in the Mitzpe Shalem settlement in the Occupied Palestinian Territory, where the company also maintained a visitors' centre.

22. The Special Committee received several communications from Ahava during the reporting period. Ahava refuted the allegations that the mud used for its products was excavated from the Occupied Palestinian Territory. The company also invited

the Committee to visit its site in Israel to collect first-hand information on the allegations. However, since access to Israel was not granted to the Committee by the Government of Israel, a visit to the company did not materialize.

### 3. Corporate interdependency

23. The Special Committee was informed about attempts geared towards differentiating between an illegal settlement-based economy and an Israeli economy within the Green Line.[2] It was submitted that that separation was a misconception which overlooked the corporate interdependency in what essentially was one economy. Such an economy, it was contended, was comprised of Israeli and multinational corporations that continued to reap profit from the occupation, whether they had their headquarters in Israel or in the occupied territories. To illustrate that point, NGOs presented the case study of Tnuva, the largest Israeli dairy farm. Photographic evidence was presented to the Committee to demonstrate that Tnuva uses raw material for its dairy products from the dairy farms of Beit Yatir, Carmel, Migdal Oz and Rosh Tzurim, which are all settlements in the West Bank, and manufactures its final products in its main factory in Rehovot, in Israel.

### 4. Mislabelling settlement products

24. Although both Ahava and SodaStream's[3] commercial activity and presence are in the occupied West Bank, civil society representatives noted that those companies had their products labelled as "made in Israel" and their address listed as "Airport City". It was reported that reference to the "Airport City" address misled consumers into believing that the products were wholly produced or manufactured in Israel and avoided mention of addresses in the settlements of Mitzpe Shalem (Ahava's visiting centre and factory) and Mishor Adumim (SodaStream's factory) in the occupied West Bank.[4]

25. Similarly, examples of companies that exploit the occupation of the Syrian Golan were provided. The Special Committee was informed that in 2012 Israel had approved exploratory drilling for oil and natural gas in the occupied Syrian Golan. In 2013 the Petroleum Council of Israel's Ministry of National Infrastructures, Energy and Water Resources had granted Genie Energy Ltd[5] a drilling licence covering a radius of 153 square miles in the southern part of the Golan. Committee members were informed that the region concerned was half the area of the occupied Syrian Golan and extended from the settlement of Katzrin to Tzemach in the south.[6]

---

[2] The Green Line refers to the demarcation lines set out in the 1949 Armistice Agreements between the armies of Israel and those of its neighbours (Egypt, Jordan, Lebanon and the Syrian Arab Republic).

[3] The main plant of this company (a manufacturer of home beverage carbonating devices) is located in the industrial zone of Mishor Adumim, an Israeli settlement in the West Bank.

[4] SodaStream has since closed its West Bank factory: see www.stltoday.com/business/local/sodastream-closes-west-bank-factory-to-move-to-israel/article_b59ed777-c07f-5aee-8d63-0a2af1342c83.html.

[5] Now known as Afek Oil and Gas Ltd.

[6] See www.caabu.org/news/news/press-release-caabu-calls-british-government-oppose-israeli-oil-and-gas-exploration-golan-.

26. It was also stated that in January 2012 the District Council for Planning and Construction had approved the construction of a 400-dunam wind farm to produce green energy to be sold to settlements only.[7]

27. In that connection, it was stressed that corporate actors needed to be held accountable for the impact of their activities on human rights. Governments and business both had roles and responsibilities with regard to the protection of and respect for the human rights of the Palestinian people. Moreover, it was stressed that the responsibility for ensuring corporations' respect for human rights should also lie with third countries, which should cease to fund or enter into commercial transactions with organizations and bodies involved in settlements or the exploitation of natural resources in the Palestinian and Syrian occupied territories.

## D. House demolitions and forcible transfer

28. Since August 2014, the United Nations Office for the Coordination of Humanitarian Affairs has recorded 218 separate incidents resulting in the destruction of 543 Palestinian-owned properties, predominantly in Ein al-Hilwa, Umm al-Jimal, Al-Jiftlik, Abu al-Ajaj, Al-Makhul and Abu Kbash, across the Jordan valley. The demolished structures included residential shelters, schools, water cisterns and animal pens. The Special Committee noted that up to 3,495 individuals, including 1,592 children, had been adversely affected during that period.

29. In civil society representations, the case of Susiya, in the Hebron district area, was raised as a community at imminent risk of demolition and forcible displacement. The entire village, home to an estimated 320 Palestinians, had been slated for such action. The demolition order was reported to include 170 structures, including 34 residential tents and shacks, 26 animal shelters, 20 water cisterns, 21 latrine units, 2 clinics, a school and a kindergarten. In that context, civil society representatives recalled Israel's legal obligations as the occupying Power in the West Bank to protect the Palestinian civilian population and to administer the territory for the sole benefit of Palestinians. It was emphasized that international law prohibited the forcible transfer or displacement of civilians and the destruction of private property.

30. The Special Committee heard testimony from a Bedouin representative of the Jahalin tribe in the occupied West Bank, regarding the threat of demolitions and expulsion faced by Bedouins from their current communities to one of three designated sites. Clarification was provided that the Bedouins wished to remain in their current communities and that any forcible transfer to an urbanized site would pose a threat to their traditional customs and livelihood.

31. The Special Committee was informed that over the past three years, some 1,705 Palestinian structures had been demolished and 2,829 Palestinians had been displaced across the West Bank. It was apparent from the testimonies that Israel was implementing a deliberate policy of demolition and displacement of Palestinian communities in order to make way for Israeli settlement expansion.

32. Civil society representatives provided photographic evidence of demolitions under way in the communities of Almaleh and Yarza, among others, and of the

[7] See www.al-monitor.com/pulse/originals/2013/02/more-bad-timing-from-israel.html.

hoarding of boards by Israeli companies that sold settlement homes erected on the very places where the demolitions had taken place. The representatives reported that the demolitions and displacement had occurred in the context of Israel's E1 plan of connecting the Ma'ale Adumim settlement with Jerusalem, which would jeopardize the contiguity of a future Palestinian State.

33. The Special Committee was briefed extensively on the situation of 46 Bedouin communities, comprising an estimated 7,000 persons, in the central West Bank (Area C). The community was at risk of forcible transfer owing to a plan advanced by the Israeli authorities to "relocate" them to one of three designated township sites (Nweima, Al-Jabal and Fasayil). The Committee shares the fears of civil society representatives that Israel's implementation of the E1 plan would divide the occupied West Bank and further undermine Palestinian territorial integrity.

## E. Human rights violations in East Jerusalem

34. On the basis of numerous representations, it became apparent that Israeli policies in the West Bank, including East Jerusalem, had the common objective of forcible displacement and the fostering of a hostile environment that contributed to the settlement expansion. It was noted that since the 2014 conflict in Gaza, Palestinian residents of East Jerusalem had been subject to regular heavy-handed policing in response to demonstrations. One civil society representative noted that "the main goal of this repression was not to restore order but to restore fear, engraving on the Palestinian body the price they will have to pay for disobedience of Israeli rules and for daring to challenge Israeli authority". He added, "they [Israel] can make life so hard that Palestinians will choose to leave".

35. Among the main concerns brought to the attention of the Special Committee were the daily movement restrictions imposed consequent to the illegal separation wall, with implications, inter alia, for the right to health and education,[8] the near impossibility of legally constructing new homes owing to the non-issuance of permits and the revocation or non-issuance of Jerusalem identity papers. These restrictions had serious consequences for the basic socioeconomic rights of Palestinian families.[9] In that context, Committee members were told that a newly married Palestinian couple could not live together in East Jerusalem if only one of them had a Jerusalem identity paper.

36. Some Palestinian officials alleged that in efforts to facilitate settlement expansion, Israeli authorities would embed old Hebrew coins into the walls of some homes in East Jerusalem, during restoration works, to later claim the Jewish heritage of buildings in cases where ownership was contested. Special Committee members were also briefed on changes to names of streets and buildings, and the refusal of municipal authorities to incorporate Palestinian curricula to teach Palestinian history and culture in schools as clear-cut examples of what was called "Judaization" in East Jerusalem.

---

[8] The Committee recalls that the July 2004 advisory opinion of the International Court of Justice found that "the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law". See www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6.

[9] See also paras. 42-44.

37. Israeli efforts to deprive Palestinian residents of East Jerusalem of their right to development were also highlighted. The disparity of municipal resources provided to East and West Jerusalem was used to elucidate that argument. The vast majority of the budget was reportedly being funnelled to the latter, despite the fact that 75 per cent of Palestinian families in East Jerusalem lived under the poverty line.[10] The failure of the Municipal Council to address the structurally unsafe buildings in the Shufat refugee camp in East Jerusalem, despite the risks of an earthquake, was underscored as one consequence of budgetary discrimination.

## F. Al-Aqsa mosque

38. The Special Committee learned of the tensions surrounding the al-Aqsa compound, aggravated by regular restrictions on entry for Palestinians, in particular for men under 60 years of age, who required special access permits. While Israel had eased those restrictions at times, including most recently during the holy month of Ramadan, in June, Committee members were informed that such temporary measures did not address the source of the tensions.

39. In that context, civil society representatives observed that the Jewish Temple movement, according to which the al-Aqsa mosque should be demolished to make way for the Jewish Third Temple, was growing stronger each year.[11] The Special Committee also heard that some individuals believed archaeological excavation works undertaken by the Israeli authorities around the al-Aqsa site were a deliberate attempt to undermine the structural foundations of the mosque to accelerate its collapse.

40. Members of the Special Committee were informed that apparent provocations by Jews, including praying and alleged consumption of alcohol within the al-Aqsa compound, had led to frequent clashes that had spilled into the mosque. On 26 July 2015, just a week prior to the Committee's fact-finding visit to Amman, skirmishes between Palestinians and Jewish extremists reportedly had resulted in Israeli police storming the mosque and closing the gates of the compound.

## G. Legislative measures

41. The Special Committee was briefed on a series of legislative measures, either adopted or under discussion in the Knesset, which have a negative impact on the human rights of Palestinians.

### 1. Prevention of damage by hunger strikers

42. Several Palestinian detainees in Israeli detention had been on hunger strike to protest against administrative detention, where alleged perpetrators were held without charge or trial, and against the treatment they had been subject to in Israeli prisons and detention centres. As of March 2015, 396 Palestinians, including one woman, reportedly had been held in administrative detention by the Israel Prison Service facilities. In July 2015 the Knesset had approved the Prevention of Damage

[10] East Jerusalem, with 37.7 per cent of the population of Jerusalem, received only 10.73 per cent of the municipal budget in 2015, as opposed to 89.27 per cent allocated for West Jerusalem.

[11] The Committee heard that Jews were allowed to enter the compound, but forbidden to pray there.

by Hunger Strikers bill, which would allow the head of the Prison Service to submit a motion to a district court and request permission to force-feed a prisoner on hunger strike. If the judge ruled that force-feeding was permitted in a particular case, medical personnel would be able to feed hunger strikers against their will and use force to do so.

43. Under international humanitarian law, force-feeding, or the use of threats of force-feeding or other coercive actions against prisoners/detainees who had adopted peaceful means of protesting, was illegal. Prisoners, like any other individuals, had the right to resort to peaceful protests. All suspects, whether Palestinian or Israeli, under administrative detention should be promptly charged, or released. The Special Committee was informed that in Israel administrative detainees were held without charge or trial, often on the basis of secret evidence, for periods of up to six months, which were extendable indefinitely.

44. The use of administrative detention under international humanitarian law was allowed under exceptional circumstances and for short periods of time. The bill was adopted despite the concerns raised by the Special Committee in 2014.[12]

### 2. Amendment to the Penal Code: harsher sentences for stone throwers

45. The Special Committee was also briefed about an amendment to the Penal Code, which increased the maximum sentence for individuals convicted of throwing stones or other objects at vehicles from 10 years to 20 years if the intent to harm the occupants of the vehicle was proven, and up to 10 years when intent to harm the occupants of the vehicle could not be established. The Committee was also informed that throwing stones at a police vehicle could result in a punishment of up to five years of imprisonment.

46. The current amendment applied to Israel and East Jerusalem, while similar penalties had been in force in the Occupied Palestinian Territory under military orders. The Special Committee is of the view that the punishment is excessive or disproportionate to the alleged crime of "throwing stones" and young Palestinians will be the most affected.

### 3. Absentees' Property Law of 1950

47. The Special Committee was informed about the Absentees' Property Law of 1950, which allowed the Government of Israel to seize the property, including land, money and other goods, of absentees,[13] Palestinians who had been expelled, fled or had otherwise left Israel.

48. Civil society representatives explained that in 1967 Israel had extended the application of Israeli law, including the Absentees' Property Law, to the Israeli-annexed Palestinian area. As a result, Palestinians living in the West Bank outside the borders of the annexed area became "absentees" within the definition of the

[12] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14665.

[13] An "absentee" is defined as encompassing any person who owned or held any property situated within the area of the State of Israel and who, on or after 29 November 1947: (a) was a citizen of Lebanon, Egypt, the Syrian Arab Republic, Saudi Arabia, Jordan, Iraq or Yemen; (b) was in one of those countries or in any part of Palestine outside the area of Israel; or (c) was a Palestinian citizen and left his ordinary place of residence either for a place outside Palestine before 1 September 1948, or for a place in Palestine held at the time by enemy forces.

Law. Consequently, any property owned within the annexed area by such Palestinians was allowed to be seized by Israel. The Special Committee was informed that in the first years after the annexation, various Israeli Attorneys General had acknowledged that there was no justification for seizing such property, recognizing that it would be unreasonable to apply the 1950 Law in circumstances where the owners had done nothing to make themselves "absent" and could only be deemed "absentees" by virtue of a legal technicality owing to no fault of their own. However, it was noted that in recent years, the Law had been used by Israel to expropriate Palestinian-owned land in East Jerusalem, often in order to transfer it to Israeli settler organizations. Most recently, on 15 April 2015, the Israeli Supreme Court, in the case of *Custodian of absentees' property, et al., v. Daqaq Nuha, et al.*, had affirmed the application of the Absentees' Property Law, allowing for the continued confiscation of property and assets in occupied East Jerusalem whose owners resided in the West Bank or Gaza.

49. It was stated that the Supreme Court had dismissed the appeal, effectively confirming the "legality" of past expropriations and allowing for more confiscations of such properties in future. The Court had imposed some safeguards on the operation of the Law in relation to East Jerusalem — such as a requirement that any future expropriations "be approved in advance by the Israeli Attorney General and by the Israeli Government or a designated ministerial committee". However, questions remained about the very notion of such confiscations and whether the safeguards the Court imposed would have any significant restraining effect.

## H. Situation of Palestinian detainees

50. According to NGOs, an estimated 5,700 Palestinians continued to be held in Israeli detention as of July 2015, including 400 persons under administrative detention, 160 children (22 under 16 years of age), 26 female prisoners and 7 members of the Palestinian Legislative Council. Members of the Special Committee were informed that in most cases of arrest and detention of minors, the charge was for alleged stone-throwing during demonstrations or clashes with Israeli soldiers. Of note, 13 detention centres and 4 interrogation facilities reportedly held those detainees, with all but Ofer Prison, located inside Israel, in violation of the Fourth Geneva Convention.

51. Palestinian officials provided disturbing accounts of ill-treatment and torture of detainees, including children, which involved regular beatings, the administration of electric shocks and solitary confinement. Moreover, Palestinian detainees were reportedly often denied access to their lawyers and forced into making confessions. The Special Committee heard that forcing Palestinian detainees, especially children, to sign confessions in Hebrew, a language they did not understand, was still being practised.[14]

52. Despite some changes to the interrogation procedures in respect of Palestinian children introduced by Israel in recent years, it was reported that safeguards, such as the requirement for audiovisual recordings of interrogations, were being sidestepped. In many instances, it was reported that prison authorities would undertake two rounds of interrogations, the first using a forceful and intimidating

[14] See A/69/355, paras. 25-32.

interrogator to obtain a confession without any recording taking place, and a second recorded round, where a confession was obtained from the child by a different interrogator using non-coercive means. Civil society representatives noted that military court judges were rarely open to hearing allegations of illegal extraction of confessions, thus making it difficult to prove that detainees had made forced confessions.

53. The Special Committee shares the concern of civil society representatives that the conviction rate for Palestinians arrested by Israeli security forces persisted at a worrisome 99 per cent, which led many detainees, including children, to enter into plea bargains to reduce the time spent in prison. It was noted that such a high conviction rate indicated a clear disregard for the presumption of innocence and reflected questionable regard for due judicial processes.

54. Israel's continuing use of administrative detention was again, in 2015, at the centre of protests by Palestinian hunger strikers. Palestinian officials described Israel's use of administrative detention[15] as its "routine alternative to criminal proceedings", in violation of article 78 of the Fourth Geneva Convention. Members of the Special Committee were briefed on the situation of one hunger striker, Mohammad Allan, a 30-year-old Palestinian administrative detainee from Nablus district, who was entering his fiftieth day of hunger strike in protest of the third renewal of his administrative detention order.[16]

55. Concerns over the force-feeding bill adopted recently by the Israeli Knesset, intended to address hunger strikers, were also raised in testimonies. One Palestinian official who had spent 12 years under Israeli detention described force-feeding through the nasal cavity and into the stomach as a painful experience, noting that three Palestinian detainees had died during the 1980s as a result of food entering the lungs during that procedure. Numerous representations made to the Special Committee shared the view that force-feeding constituted a form of torture.

56. Concerns were also raised about reports of continued medical negligence in Israeli detention centres and the lack of adequate medical care. The Special Committee heard that sick detainees with serious conditions, such as cancer, were often treated with painkillers. It was reported that at least 120 cases of cancer among Palestinian detainees had gone untreated.

57. Civil society representatives also reported on the alleged disturbing trend of unleashing police dogs within detention facilities as a means to quell protests or to punish and intimidate detainees who complained of poor prison conditions. The forms of punishment appeared to extend to family visitation rights, whereby for some detainees, family visits would be entirely denied on the basis of a security pretext, which led to further adverse social and psychological consequences for the

[15] Administrative detainees are held in detention on the basis of an administrative order without charge or trial for an initial period of six months, which detention is renewable indefinitely. International law and standards stipulate that administrative detention may be exercised only in very exceptional cases and only as a last possible resort, when there are no other means available, and only in time of public emergency which threatens the life of the nation (arts. 4.1 and 4.3 of the International Covenant on Civil and Political Rights, and art. 78 of the Fourth Geneva Convention).

[16] It was reported that on 19 August 2015, the Supreme Court of Israel suspended Allan's administrative detention order owing to his deteriorating medical condition. If the neurological damage is found to be irreversible, the order will reportedly be voided.

detainee. Civil society representatives also complained about prisoners being shackled while bathing or using toilets, which was humiliating and degrading.

## I. Israeli interference with the delivery of international aid

58. The Special Committee recalls that in its previous report (see A/69/355), it noted the emerging disturbing trend of Israeli interference with donor-funded international humanitarian assistance provided to the most vulnerable Palestinians, such as those Bedouin communities subjected to demolitions and forced displacement. Testimony heard in 2015 indicated that the number of donor-funded structures affected by Israeli demolition orders and confiscations during the first and second trimester rose 37 per cent (11 structures destroyed on average per month) compared to 2014 (8 structures destroyed on average per month). A Bedouin representative informed the Committee that in his community, seven solar panels had recently been expropriated by the Israeli authorities. He briefed the Committee on settler vigilante groups that informed the authorities of "illegal constructions" undertaken by the Bedouins.

59. Among the 543 Palestinian-owned properties demolished since August 2014, 105 were donor-funded structures provided in the form of humanitarian assistance from the European Union and other international donors. It was reported that the estimated minimum direct monetary impact on humanitarian aid through destruction from January to August 2015 amounted to $458,000.

60. It was recalled that Israel, as an occupying Power, was bound by international humanitarian and human rights law provisions to facilitate the delivery of humanitarian aid in line with article 43 of the Hague Regulations, articles 30, 55 and 56 of the Fourth Geneva Convention and article 69 of Protocol I additional to the Geneva Conventions.

## J. Excessive use of force by Israeli security forces

61. Representatives of Palestinian ministries and civil society briefed the Special Committee on the continuing regularity of excessive use of force by Israeli security forces, as noted in previous reports of the Committee to the General Assembly. While the Office for the Coordination of Humanitarian Affairs noted that there had been an overall decline in the number of violent clashes between Palestinians and Israeli security forces in the first half of 2015 compared to the previous six months, it concurred with the widely held view that Palestinian civilians reportedly killed or injured in the context of crowd control or the suppression of clashes by Israeli security forces was all too frequent.

62. In that regard, representatives of civil society and the United Nations representatives remarked on the frequent use by Israeli soldiers of "rubber bullets", aimed not at the lower body, but rather at the upper body and face, which at times led to fatal injuries. As of 5 August, 18 Palestinians had been reported as killed by Israeli security forces in the West Bank in 2015.

63. The Special Committee heard testimony from Mr. X, a Palestinian living in the Aida refugee camp in the occupied West Bank, who recounted the near-daily incursions of Israeli soldiers into the camp for up to 20 hours a day, including night-

time raids. He noted that Israeli soldiers acted more violently once inside the camp during demonstrations, using both tear gas and rubber bullets, at times indiscriminately, and in people's homes. Committee members viewed supporting video evidence of those allegations and witnessed the seemingly random firing of a tear gas canister into a busy children's playground, as well as the use of dynamite by Israeli soldiers in a residential area, as a means of intimidating the local civilian population.

64. It was reported that in the past three years alone, at least two Palestinians from the Aida refugee camp had allegedly been killed by excessive use of force employed by Israeli security forces. In one incident, on 18 January 2013, a 15-year-old Palestinian from Aida had been shot in the head by Israeli soldiers from a distance where he posed no danger to them. On 15 April 2014, a 44-year-old Palestinian asthma sufferer died from the effects of a tear gas grenade fired into her home by Israeli soldiers. In addition, 70 Palestinians from the Aida refugee camp, mostly from 14 to 25 years of age, were reportedly arrested and detained in the context of clashes with Israeli soldiers. Half of them were still in prison.

65. Mr. X also recounted his own experience of being shot in the face while filming an Israeli incursion into the Aida camp on 8 April 2013. As a result of his injury, he required reconstructive surgery and remained in hospital for 17 days. According to his testimony, Israeli soldiers conducted a night-time raid on his family home in search of Mr. X on the same day he was released from hospital. While he was not present at the time, Israeli soldiers had arrested him as soon as he had returned to his family home two months later and he had been subjected to 11 days of detention, during which time he had been repeatedly beaten in the face despite his pleas to spare him from aggravating his injuries. Upon his release, Mr. X had reportedly been ordered to pay $500 by the military court.

## K. Search and arrest operations: the impact on women and children

66. According to the information received by the Special Committee, the excessive use of force extends beyond crowd control to search and arrest operations undertaken by Israeli security forces to detain Palestinians accused of involvement in stone-throwing protests. The practice of night-time raids reported in past years has seemingly continued, with forceful entry into homes by Israeli soldiers past midnight followed by the blindfolding and handcuffing of suspects, including children, to be taken away for detention and interrogation.

67. The Special Committee was also informed of a rise in the use of military and police dogs against Palestinians, including women and children, at the time of arrest, to induce fear and intimidation. Night-time raids on family homes were also reported to be particularly humiliating for women in the families, who were threatened and intimidated in their own homes. The Committee also heard that often when children were detained by Israeli security forces, the entire family could be subjected to interrogation.

68. The loss of dignity during search and arrest operations, often during the night, on family homes was a common thread among testimonies. The representative of a women's rights organization recounted the detrimental longer-term psychological and physical impact of those practices on the well-being of women. Under heightened levels of stress, some women would no longer be able to sleep at night

in fear of midnight raids by soldiers. It was noted that the impact of those raids had direct consequences for the behaviour of children, as many mothers found it increasingly difficult to discipline their own children. A rise in school drop-out rates among children was also attributed to the disruptive influence of night-time raids conducted by Israeli security forces.

## L. Gaza reconstruction and the blockade

69. The Special Committee was briefed about the escalation of hostilities in Gaza in 2014 and the consequent devastating effects on the people and infrastructure. Over 2,200 Palestinians had been killed, 10,670 had been injured and about 25,000 housing units had either been fully destroyed or had sustained major damages owing to the hostilities. In addition, at the peak of the hostilities, approximately 500,000 Palestinians, almost one third of the entire population of Gaza, had been internally displaced.

70. Civil society representatives underscored the fact that the already prevailing humanitarian crisis in Gaza, owing to the 2009 and 2012 escalation of hostilities and continued blockade of Gaza, was exacerbated as a result of the 2014 hostilities. As a result of the significant delay in reconstruction efforts since the ceasefire in August 2014, approximately 100,000 Palestinians remained displaced as of August 2015. Those Palestinians continued to live in precarious conditions in temporary accommodation or with host families.

71. The Special Committee heard that Palestinians living in Gaza continued to struggle with access to basic services, such as electricity, water and sanitation, medical services and housing. Several schools destroyed during the hostilities had yet to be rebuilt or fully functional. Of an estimated $4 billion needed to reconstruct Gaza, less than a third of that amount had reportedly been disbursed by August 2015. Civil society representatives urged donors to step up support and honour the financial pledges made in Cairo in October 2014 to alleviate the serious and urgent humanitarian situation in Gaza.

72. The Special Committee shares the view of several NGOs that pointed out that the blockade of Gaza was a principal obstacle to the enjoyment of economic, social and cultural rights, and the welfare of Palestinians in Gaza. In particular, the rights to work, health, education, housing and an adequate standard of living, the right to freedom of movement and access to religious sites in East Jerusalem had been restricted owing to the blockade. Such denial of rights had resulted in entrenched poverty and conflict in the Gaza Strip. On 16 February 2015, Israel had increased the quotas for permits to exit through Erez for specific categories: patients requiring medical treatment in Israel, from 80 to 120 per day, and traders, from 400 to 800 per day. Statistics on the number of persons entering Israel from Gaza through Erez in 2014 showed an increase since 2008.[17] However, compared to the statistics of 2004-2005, the increase in the number of persons allowed to travel out of Gaza through Erez remained negligible. The Committee notes that the legality of the blockade itself has been called into question by the United Nations and reiterates the repeated calls of senior United Nations officials for the blockade to be lifted immediately.

[17] See www.ochaopt.org/documents/gaza_crossings_trends_in_movement_of_people_and_goods.pdf.

73. The Rafah crossing, between Gaza and Egypt, has been almost completely shut down since October 2014. The crossing is used mainly by patients and their companions, foreign nationals or residents, persons with entry visas to other countries and those individuals who had received a special permit from Egypt. In 2014 an average of 8,119 exits and entries a month were recorded at the crossing. From November 2014 to May 2015, the crossing operated for only 15 days. While the closure of Rafah has an impact, one way or the other, on several thousands of Palestinians in Gaza, at least 30,000 Palestinians registered to cross through are immediately and directly affected.[18]

74. The Special Committee was informed that Israeli security forces continued to enforce "the access-restricted areas", which severely restricted access by Palestinians in Gaza to land and sea. In access-restricted areas the continued use of live fire by Israeli security forces had resulted in the injury and death of several Palestinians in 2015. Civil society groups mentioned that the precise areas concerned, both on land and sea, were unclear,[19] but up to 35 per cent of Gaza's agricultural land and as much as 85 per cent of its fishing waters had been affected at various points. Access to farmland within 300 metres of the perimeter fence separating Gaza from Israel was largely prohibited, while presence several hundred metres beyond that distance was still considered risky.

75. The restricted access by fishermen to fishing waters had also continued and fishermen were reportedly denied access to the most profitable fishing areas that started at eight nautical miles from shore. Access-restricted areas at sea had varied from three to six nautical miles at different periods. From January to June 2015, 91 incidents involving live ammunition fired by Israeli naval forces had resulted in the killing of 14 Palestinian fishermen. Twenty-one incidents of arrests and confiscation of five fishing boats and nets had also been recorded.[20] Fishermen, who were interviewed by the Special Committee, testified that after the Israeli naval forces had confiscated their fishing boats while at sea, some of them had been forced to undress and swim up to the Israeli naval vessel to be arrested. Preventing Palestinians from accessing their land and fishing areas violated a number of rights guaranteed under international human rights law, including the right to work, the right to an adequate standard of living and the right to the highest attainable standard of health.

76. A combination of the blockade of Gaza, the closure of Rafah, the lack of progress on Gaza reconstruction and the prolonged and severe humanitarian crisis had undermined the people's hopes for a secure, prosperous and dignified future.

77. Further impairing the situation was the financial crisis faced by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In the course of the representations made in early August, the likelihood of having to postpone the school year and its possible consequences was brought to the attention of the Special Committee. It was stated that education was a fundamental human right guaranteed under international human rights law and the deprivation of that right would not only affect the future of Palestine generations,

[18] See http://unispal.un.org/UNISPAL.NSF/0/60072574F272777C85257E8100460FE5.

[19] See www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11168:gaza-strip-attacks-in-the-border-areas-and-their-consequences&catid=144:new-reports.

[20] See www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11176:israeli-attacks-on-fishermen-in-the-gaza-sea&catid=56:fact-sheets-&Itemid=18.

but could also subject children to the influence of extremist elements. The Committee shares the view that unless UNRWA is sufficiently funded, its role in the occupied territories would be seriously undermined, and that the international community should ensure timely and adequate funding to sustain UNRWA activities. At the time the present report was being drafted, UNRWA announced it had overcome a deficit amounting to $101 million and the school year would not have to be delayed.

## M. Lack of accountability and the right to legal remedy

78. The lack of accountability for human rights and humanitarian law violations by Israel was highlighted by various civil society groups as a cross-cutting issue that required urgent attention. A culture of impunity continued to prevail for human rights and humanitarian law violations committed against Palestinians. Lack of accountability has been consistently raised by the Special Committee in its reports to the General Assembly.

79. Representations were also made by civil society representatives to demonstrate a lack of willingness by Israeli authorities to meaningfully investigate alleged violations of international human rights and humanitarian law committed during the 2014 escalation. It was alleged that the investigations conducted by the Military Advocate General's corps into "exceptional" cases during the conflict was insufficient to address widespread concerns, for example, in relation to policy issues and potential breaches of law by senior military officials. Civil society representatives also pointed out that Israel's track record following the 2009 and 2012 escalations demonstrated its unwillingness to bring perpetrators of alleged human rights and humanitarian law violations to justice.

80. Apart from the prevailing impunity, submissions were made on the challenges faced by Palestinians in Gaza in securing compensation, as a part of the right to reparation for victims of violations of international human rights law and serious violations of international humanitarian law. The Special Committee heard that some of the policies imposed by the Government of Israel effectively denied the Palestinian victims access to justice. Those policies were represented in a series of decisions, measures and amendments on the Israeli Civil Wrongs (Liability of the State) Law of 1952 and the Israeli Civil Code. For example, amendment No. 4 to the Law, issued by the Knesset on 24 July 2002, reduced the statute of limitations from seven to two years from the date of incident for which compensation was claimed. The amendment required a 60-day written notice to the Israeli Ministry of Defence from the date of the incident,[21] failing which the right to seek compensation was forfeited.[22] International law stipulated that where so provided for, in an applicable treaty or contained in other international legal obligations, statutes of limitations should not apply to gross violations of international human rights law and serious violations of international humanitarian law which constituted crimes under international law. It was stipulated that domestic statutes of limitations for other

[21] For exceptions to the notice, see para. 5A of the amendment: www.adalah.org/uploads/oldfiles/features/compensation/law-e.pdf.

[22] Palestinian Centre for Human Rights, press release (23 June 2011): "Israel High Court of Justice vacates verdict in cast lead case: appoints new panel of judges and orders case on behalf of 1,046 victims be reheard".

types of violations that did not constitute crimes under international law, including those time limitations applicable to civil claims and other procedures, should not be unduly restrictive.[23]

81. The Special Committee was informed that following "operation cast lead", the Palestinian Centre for Human Rights, on behalf of the Palestinian victims of Israeli violations, had submitted 1,046 compensation claims to the Compensation Officer in the Israeli Ministry of Defence, but had received only 22 interlocutory responses, which acknowledged receipt of the claims.[24] Similarly, in 2012, following "operation pillar of defence", the Centre had submitted 248 compensation claims, but had only received interlocutory responses for all claims. Finally, from July to 26 August 2014, following "operation protective edge", the Centre had submitted 1,076 claims for civil damages, but had only received 1 acknowledgement of receipt, 9 negative responses informing the Centre that the investigations were closed and 9 replies informing the Centre that investigations had been opened.

82. Civil society representatives also raised concerns about the monetary obstacles imposed by the Israeli legal system on Palestinian victims, while seeking compensation. For example, under article 519 of the Israeli Civil Code, claimants were expected to pay a court insurance fee or bank guarantee as a prerequisite before the case was considered by an Israeli court. The fee was determined at the discretion of the court on a case-by-case basis. Palestinian claimants had often found the fees to be beyond their ability to pay, which had eventually resulted in victims withdrawing their claims.

83. The Special Committee was informed that since 2007, witnesses who were required to appear in court in Israel had systematically been refused permits by the Israeli authorities at Erez crossing, between the Gaza Strip and Israel. As a result, several cases had been closed, dismissed or adjourned indefinitely, until the courts closed them as inactive cases.

84. Civil society groups noted that another hurdle for victims was imposed by the 2012 order of the Magistrates' Court in Beersheba,[25] which held that a power of attorney for a civil case arising from the Gaza Strip was considered valid only if it bore the signature and stamp of an Israeli diplomat. A power of attorney was required when a victim appointed an NGO or a lawyer to represent him or her to pursue a claim. It was pointed out that a Palestinian from Gaza seeking to authorize a power of attorney was required to present himself or herself before an Israeli Embassy and have his or her legal file signed and stamped by an Israeli diplomat. In the context of Palestinians from Gaza, that would mean hundreds of Palestinian victims travelling to Egypt to fulfil the requirement, which was beyond the means of the victims and human rights organizations. That was also not a feasible option given the closure of the Gaza Strip.

85. The Special Committee was informed that amendment No. 8 to the Wrongs of the State Law,[26] approved by the Knesset in 2012, exempted the State of Israel from any liability arising from damages caused to a resident of an enemy territory during

[23] See General Assembly resolution 60/147.

[24] See www.pchrgaza.org/files/2013/Penalising%20the%20Victim-report.pdf.

[25] Case No. 7865/01/11 (31 December 2012).

[26] On 16 July 2012, the Knesset accepted the Law and Explanatory Matters Bill, published in the Government Act Bill 387 (May 2008) (hereinafter, "amendment 8").

a "combat action".[27] That amendment applied to any operation carried out by Israeli forces in response to terrorism, hostilities, or insurrections, if the operation was by its nature a combat action.

86. Amendment 8 applied retroactively to the West Bank from 2000 onwards and, with respect to immunity against claims by residents of the Gaza Strip, from 2005 onwards. Civil society expressed concern that the retroactive element of amendment No. 8 undermined years of efforts various civil society organizations had made in pursuing civil cases against Israel and might result in the loss of vast amounts of money paid as court guarantees. Civil society representatives pointed out that a number of recent cases had been closed on that basis and the court guarantees had not been returned to the victim.

87. It was argued before the Special Committee that such actions confirmed that the Israeli judicial system did not provide effective recourse to justice for Palestinians.

## V. Recommendations

88. **The Special Committee proposes the following recommendations for consideration by the General Assembly. It is recommended that the Assembly call upon the Government of Israel to:**

(a) **Provide the Special Committee with access to the Occupied Palestinian Territory, including Gaza, which would enable the Committee to meet with victims and families of human rights violations, and with the government officials of Israel and Palestine;**

(b) **Implement all prior recommendations of the Special Committee, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the 2009 Human Rights Council fact-finding mission on Gaza, and those contained in the report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1;**

(c) **Comply with Security Council resolution 497 (1981), in which the Council annulled the decision of Israel on the annexation of the occupied Syrian Golan, and end its occupation of the West Bank, including East Jerusalem, the Gaza Strip and the occupied Syrian Golan;**

(d) **End the blockade of Gaza, which constitutes collective punishment of the people of Gaza, halt the use of lethal weapons in access-restricted areas, both on land and at sea, and respect the 20-nautical-mile-limit, as agreed under the Oslo Accords, for the fishermen of Gaza;**

(e) **Address, as a part of the right to reparation, the legal hurdles and obstructions Palestinians in Gaza face in securing compensation for violations of human rights and humanitarian law;**

[27] Since 2005, the Gaza Strip has been classified as a "hostile entity" by the Israeli Ministry of Foreign Affairs.

**(f) Take appropriate steps to address the lack of accountability for violations of human rights and humanitarian law during the Israeli military operations in the Gaza Strip in 2009, 2012 and 2014;**

**(g) Halt and dismantle all construction and plans to expand settlements, and related programmes in the occupied territories, and take immediate steps to address all incidents of settler violence in the occupied Palestinian territories, including, where applicable, through investigation, prosecution, sentencing and reparation;**

**(h) Immediately halt the forcible transfer or displacement of civilians and the destruction of Palestinian private property in the West Bank, including East Jerusalem, and address the threat posed to the traditional livelihood of Bedouins, who are under constant intimidation of forcible displacement by the Israeli authorities;**

**(i) Put an end to the discriminatory zoning and planning process, which serves the policy of settlement expansion in East Jerusalem, and ensure that sufficient funds/budget are allocated for basic services, such as health, water and sanitation, for Palestinians in East Jerusalem;**

**(j) Immediately cease all interference in the delivery of humanitarian aid by the international community to Palestinian communities;**

**(k) Address the Committee's concerns about the excessive use of force and the humiliating treatment of women, especially during night-time raids undertaken by Israeli security forces to arrest Palestinians;**

**(l) Promptly charge or release all suspects, whether Palestinian or Israeli, under administrative detention, held without charge or trial, often on the basis of secret evidence, for periods of up to six months, which are extendable indefinitely;**

**(m) Investigate and, where applicable, prosecute allegations of ill-treatment and torture of detainees, including regular beatings and electric shock, cease the use of solitary confinement and provide access to families and lawyers of detainees in line with international standards;**

**(n) Ensure that all children and their legal guardians are provided, on arrest, with a written statement in Arabic informing them of their full legal rights in custody, and that children are allowed to consult with a lawyer prior to questioning;**

**(o) Ensure that all children are accompanied by a family member throughout their questioning and that every interrogation is recorded audiovisually;**

**(p) Take immediate steps to ensure compliance with international standards for law enforcement and ensure accountability for the excessive use of force by Israeli security forces in the Occupied Palestinian Territory;**

**(q) Remove restrictions, including the system of permits, checkpoints, the wall and other forms of closures, and allow Palestinians to access mosques and churches in East Jerusalem and other parts of the Occupied Palestinian Territory;**

**(r) Immediately cease all excavation works below or near the al-Aqsa compound, which may potentially cause harm to the al-Aqsa mosque;**

**(s) Reconsider all of the legislation passed or under consideration by the Knesset that contravenes international human rights standards, for example, the Absentees' Property Law, the Prevention of Damage by Hunger Strikers bill and the amendment to the Penal Code increasing the penalty for stone throwers;**

**(t) Inform Israeli and multinational corporations working in the occupied territories of their corporate social responsibilities to act with heightened due diligence and of the international legal ramifications of business activities with negative human rights impacts;**

**(u) Take appropriate measures to prevent, investigate, punish and provide redress for corporate abuse and/or exploitation of resources in the occupied territories through, inter alia, effective policies, legislation, regulations and adjudication.**

**89. The Special Committee also calls upon:**

**(a) The international community to ensure that financial pledges made by donor countries in Cairo for the reconstruction of Gaza are honoured and urgently disbursed so that the humanitarian situation is eased;**

**(b) The international community and the Palestinian Authority to accelerate efforts to translate declarations of political unity into tangible measures on the ground, as that effort would encourage greater donor confidence;**

**(c) The international community to ensure continued and sufficient funding of UNRWA projects, in particular for the education of Palestinian children;**

**(d) The international community, while ensuring Israel's security concerns, to use the international community's influence to end the blockade of Gaza, which has a significant detrimental effect on Palestinians;**

**(e) Member States to review national policies, legislation, regulations and enforcement measures in relation to business activity to ensure that they effectively serve to prevent and address the heightened risk of human rights abuses in conflict-affected areas;**

**(f) Member States to ensure that corporations respect human rights and cease to fund or enter into commercial transactions with organizations and bodies involved in settlements or exploitation of natural resources in the occupied Palestinian and Syrian territories;**

**(g) The international community to give effect to its legal obligations, as contained in the 2004 advisory opinion of the International Court of Justice, on the wall;**

**(h) The General Assembly to adopt measures to address Israel's long track record of non-cooperation with the United Nations, in particular regarding the implementation of Assembly and Security Council resolutions and mechanisms established by the Assembly and its subsidiary bodies.**